

AUG 22 2008



MANUEL L. RIVERA  
U.S. DISTRICT JUDGE  
S.D.N.Y.

MICHAEL A. CARDOZO  
Corporation Counsel

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August 21, 2008

BY FACSIMILE (212) 805-7901  
The Honorable Harold Baer  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

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DATE FILED: 8/21/08

Attention: Anna

Re: Thomas Lawson v. City of New York, et al., 07 Civ. 11592 (HB)

Your Honor:

I am a Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants City of New York and Police Officer Jose Peralta in the above-referenced matter. I write with respect to the above-referenced matter in which plaintiff alleges that his constitutional rights were violated by defendants. On August 6, 2008, plaintiff filed an Amended Complaint in which a new defendant was added, Police Officer Jody Nunez. I write with the consent of plaintiff's counsel.

Plaintiff's counsel has advised that newly added defendant Nunez was served on August 12, 2008. Thus, P.O. Nunez has until September 2, 2008 to respond to the complaint. This office has not discussed with Police Officer Nunez the manner of service and we make no representation herein as to the adequacy of service upon her. Additionally, a decision concerning this Office's representation of Police Officer Nunez has not yet been made. However, given the time involved in determining the representation of a police officer, and in the interest of judicial economy, we would hope that the court may, *sua sponte*, extend the time to answer on behalf of Police Officer Nunez and all current defendants to September 30, 2008. Such would also avoid the filing of several separate answers or other responses to the amended complaint.

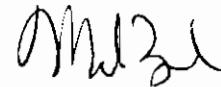
The enlargement will allow this office time to conduct an inquiry to determine whether it can represent the newly added defendant. See General Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

No previous application has been made for an enlargement of time to respond to the amended complaint by the current defendants or Police Officer Nunez.

The requested extension of time to respond to the Amended Complaint should not affect the dates the month that this matter is scheduled for trial, January, 2009.

Thank you for your consideration herein.

Respectfully submitted,



Mark D. Zuckerman  
Senior Counsel

cc: Michael Hueston, Esq. (Via Facsimile)

*Sept 30 to October 1<sup>st</sup>*  
*move.*  
*SO ORDERED:*  
*Harold Baer, Jr., U.S.D.J.*  
*Date: 8/27/08*